

REMARKS

Claims 1, 3, 5 and 7-11 have been amended, claims 21 and 22 have been added and claim 2 has been cancelled herein. Hence, claims 1 and 3-22 are currently pending. Applicants respectfully request reconsideration of the captioned application in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103

Sections 2-3 of the office action rejected claims 1, 4, 7, 9 and 11-14 under 35 USC 103(a) as allegedly being unpatentable over U.S. Patent No. 6,720,512 to Rothbauer et al. (“Rothbauer”). Applicant respectfully traverses this rejection.

Section 6 noted that claim 2 would be allowable if rewritten in independent form. Claim 1 has been amended to incorporate the subject matter of claim 2 and is thus believed to be proper for allowance. Claims 4, 7, 9 and 11 all ultimately depend from claim 1 and are therefore also in condition for allowance.

Independent claim 12 includes a locking tab extending from the pivot member and a housing receiving the locking tab of the pivot member to lock the control member into the housing. Citing *In re Royka*, MPEP 2143.03 states, “to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The office action states that Rothbauer teaches “a pivot member 13 (comprising of 13 and 13a), where extension on the housing is received by the pivot member 13.” The office action goes on to state, “Regarding claims 11 and 12, the pivot member locks into the housing.”

First, in the Rothbauer device the pivot member 13a extends from the body 30. "FIG. 6 shows protrusion 13a formed on the inside of depression 34...." Rothbauer at col. 3, ll. 13-14. A hole 13 in the cover 12 receives the protrusion 13a: "hole 13, which allows the cover 12 to snap in place over male pivot shaft 13a...." *Id.* at ll. 24-26. Thus, Rothbauer fails to disclose a pivot member extending from the control member. Moreover, the cover 12 snaps in place by the shaft 13a extending into the hole 13. There is no teaching or suggestion of anything extending from the pivot member 13 (as identified in the office action), and further, there is no reason to provide an additional locking member attached to the pivot member because the pieces fit together by inserting the shaft 13a into the hole 13.

Applicant therefore respectfully submits that Rothbauer fails to disclose or suggest each element recited in claim 12. Claim 12, and claims 13 and 14 depending therefrom, are all patentable over Rothbauer.

Section 4 of the office action rejected claims 8 and 10 as allegedly being unpatentable over Rothbauer in view of U.S. Patent No. 5,213,204. Claims 8 and 10 each depend from claim 1, which is believed to be in condition for allowance. Claims 8 and 10 are therefore also allowable for at least the same reasons.

Section 5 of the office action rejected claims 16-20 as allegedly being unpatentable over Rothbauer in view of U.S. Patent No. 4,230,917. Applicant respectfully traverses this rejection.

Claim 16 depends from claim 15, which is believed to be in condition for allowance as noted herein above. Claim 16 is also allowable for at least the same reasons.

Independent claim 17 includes the step of "inserting a locking tab extending from the pivot member into a corresponding locking opening in the housing to lock the control member to the housing." As noted above in the remarks concerning section 3 of the office action, Rothbauer fails to disclose or suggest a locking tab extending from a pivot member. The office action references the structure identified by 13 and 13a in Rothbauer as corresponding to the claimed pivot member. Neither the shaft 13a nor the hole 13 of the Rothbauer's "pivot member" has a locking tab extending therefrom. Thus, Rothbauer cannot disclose or suggest a method step wherein such a locking tab extending from the pivot member is inserted into a locking opening.

Claim 17, as well as claims 18-20 depending therefrom, are therefore believed to be in condition for allowance.

Allowable Subject Matter

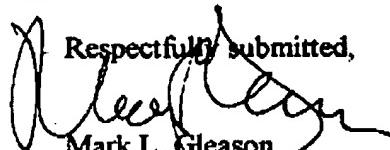
Section 6 of the office action noted that claims 2, 3, 5-6 and 15 would be allowable if rewritten in independent form. The Examiner's acknowledgement of the allowable subject matter is appreciated.

As noted above, claim 1 has been amended to incorporate the subject matter of claim 2 and is thus in condition for allowance.

New claim 21 has been added, which combines the subject matter of original claims 1 and 5. Claim 21 thus represents original claim 5 in independent form.

Conclusion

As evidenced by the foregoing amendments and remarks, Applicants have made a genuine effort to address each concern raised in the office action. New claim 22 depends from claim 21 and is therefore allowable for the same reasons as claim 21. Claims 5 and 7-11 have been amended to correct informal errors. All of the pending claims are thus believed to be in condition for allowance. The Examiner is invited to contact the undersigned attorney with any concerns or questions regarding the present application.


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